

AMENDMENT
Serial No. 09/557,119

YOR920000023US1
September 2, 2004

REMARKS

Claims 1 – 23 and 25 – 40 remain in the application. Claims 1 – 23 and 25 – 31 have been allowed. Claim 24 is previously canceled. Claims 32 – 40 stand rejected but, are indicated to encompass patentable subject matter. Claims 32 – 37 are amended herein. No new matter has been added.

Claims 32 – 40 are rejected under 35 U.S.C. §112, second paragraph, “as being incomplete for omitting essential structural cooperative relationship of elements, such omission amounting to a gap between necessary structural connections.” In particular the Examiner based the rejection on the form of claims 32 – 37. While the applicants note that the rejected claims are in a form essentially identical with numerous issued program product claims, the preamble to claims 32 – 37 has been amended to add the recitation that the “programmable alarm clock system [is] monitoring sleep activity and selecting a time to wake a monitored sleeper....” Thus, “monitoring sleep activity” provides “structural cooperative relationship” for the recited “computer readable program code means for digitizing sleep activity signals; [and] computer readable program code means for analyzing digitized said sleep activity signals....” Similarly, “selecting a time to wake” is directed to identifying “selected sleep periods and non-selected sleep periods; [and] computer readable program code means for determining whether to send a trigger responsive to a designated wake up time is in a selected sleep period or non-selected sleep period....” The “monitored sleeper” is being woken by “computer readable program code means for sounding an alarm responsive to said trigger.” Thus, it is believed that the amendment to claims 32 – 37 have closed any “gap between necessary structural connections.” Reconsideration and withdrawal of the rejection of amended claims 32 – 40 under 35 U.S.C. §112 is respectfully solicited.

The applicants thank the Examiner for efforts, both past and present, in examining the application. Believing the application to be in condition for allowance,

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the applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 32 – 40 under 35 U.S.C. §112 and allow the application to issue.

Should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney at the local telephone number listed below for a telephonic or personal interview to discuss any other changes.

Please charge any deficiencies in fees and credit any overpayment of fees to IBM Corporation Deposit Account No. 50-0510 and advise us accordingly.

Respectfully Submitted,



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September 2, 2004
(Date)

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